

REMARKS

The Applicants have now had an opportunity to carefully consider the Office Action mailed October 17, 2005. Recognition of allowable subject matter in all of the pending claims 1-7, 9-14, 16-18 and 20 is noted with appreciation. Amendment, reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed October 17, 2005:

claims 2, 4-5, 11, 14 and 18 were objected to for depending upon rejected claims;

claims 1, 3, 6-7, 9-10, 12-13, 16-17 and 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for including relative terminology;

claims 1-7, 9-14, 16-18 and 20 were found to be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph.

The Claims are Definite

Claims 1, 3, 6-7, 9-10, 12-13, 16-17 and 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for including relative terms.

With regard to **claims 1, 10 and 17**, the term "relatively large" was objected to. However, amendments presented herein remove the phrase --when the number of users in the network is relatively large-- from **claims 1, 10 and 17** and **claims 1, 10 and 17** no longer include the phrase "relatively large." For at least the foregoing reasons, **claims 1, 10 and 17**, as well as **claims 2-9, 11-16 and 18-20**, which depend respectively therefrom, are definite and withdrawal of the rejections under 35 U.S.C. 112, second paragraph, is respectfully requested.

With regard to **claims 3, 6-7 and 13**, the phrase "limited number of users" was objected to. However, **claims 3, 6 and 13** have been amended to recite --a number of users that can compete for network resources--. **Claim 7** has been amended to recite wherein initiating a cycle comprises initiating a cycle based on a number of users that successfully reserved network resources during a prior cycle. It is respectfully submitted that **claims 3, 6-7 and 13** do not include relative terminology.

For at least the foregoing additional reasons, it is respectfully submitted that **claims 3, 6-7 and 13** are definite. Therefore, withdrawal of the rejections under 35 U.S.C. 112, second paragraph, is respectfully requested.

With regard to **claims 9, 16 and 20**, the Office Action objects to the term "approximately" and asserts that one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Applicants respectfully disagree. In **claims 9, 16 and 20**, the term "approximately" is applied to the value 2.3922. This value is discussed, for example, on page 21, lines 11-22, wherein it is explained that the value represents a number of users that are, on average, involved in a collision when the number of users on a system approaches infinity. It is respectfully submitted that those of skill in the art are familiar with such asymptotic or limit values and the use of approximations therefor, and would indeed be reasonably apprised of the scope of the invention.

For at least the foregoing additional reasons, **claims 9, 16 and 20** are definite. Withdrawal of the rejections under 35 U.S.C. 112, second paragraph, is respectfully requested.

Telephone Interview Summary

A brief telephone interview was held between the Examiner, Mr. Jeffrey R. Swearingen, and one of the representatives of the Applicants, Mr. Thomas Tillander, on December 5, 2005. Mr. Tillander outlined proposed amendments to **claims 1 and 3** reflected in the present amendment. The Examiner indicated that he did not have negotiating authority, but gave tentative approval to the proposed amendments.

Telephone Interview

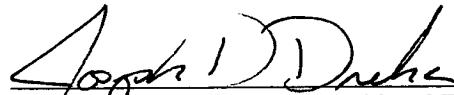
In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-7, 9-14, 16-18 and 20 remain in the application. **Claims 1, 3, 6-7, 10, 13 and 17** have been amended. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP



February 17, 2006

Date

Joseph D. Dreher, Reg. No. 37,123
Thomas Tillander, Reg. No. 47,334
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
216-861-5582

CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.

deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature
	
Date	Printed Name
February 17, 2006	Roseanne Giuliani

N:\LUTZ\200435\US\IEW0003514V001.doc